

Chapter 8

Intellectual Property and Internet Law



- **Intellectual Property** - refers to the creation of the mind, such as inventions; literary/artistic works, and designs.
- Protected by law through patents, copyrights, and trademarks so that one can be recognized as the originator of that idea or image and may gain financial benefit from what they invent or create.
- Protection for Intellectual Property exists to promote and foster an environment which creativity and innovative breakthroughs are incentivized.



Protections For Intellectual Property:

- **Copyright** - Term used in regards to protecting the rights over literary and artistic works such as: books, music, paintings, movies and maps just to name a few.
- **Patents** - Gives exclusive right for an invention to its inventor. It allows the owner of a patent the right on deciding how it can be used by others. The owner of that patent has to make it available publicly via registering it through a patent office.
 - » **Trademark** - A mark, sign or symbol capable of distinguishing goods or services from one manufacturer to another.

- **Copyright Infringement:**

- The use of protected works without permission from the author (owner of the copy right), and occurs generally when a copyright work is reproduced, disbursed, performed, publicly displayed, or made into a derivative work.

- **Penalties** - Someone who infringes on a copyright is liable to pay the actual dollar amount of damages and profits to which the law provides a range of \$200 to \$150,000 for each work infringed along with the costs of attorney fees and court costs.

Willful copyright infringement can also result in criminal penalties such as: imprisonment up to five years and fines up to \$250,000 per offense.

Shepard Fairey



- Fair Use:
- A legal doctrine that permits limited use of copyrighted material without the need of acquiring permission from the copyright owner for specific uses such as, but not limited to: commentary, criticism, parody, news reporting, or research.



Original Source?



A virtual perfect match.



Not original source...

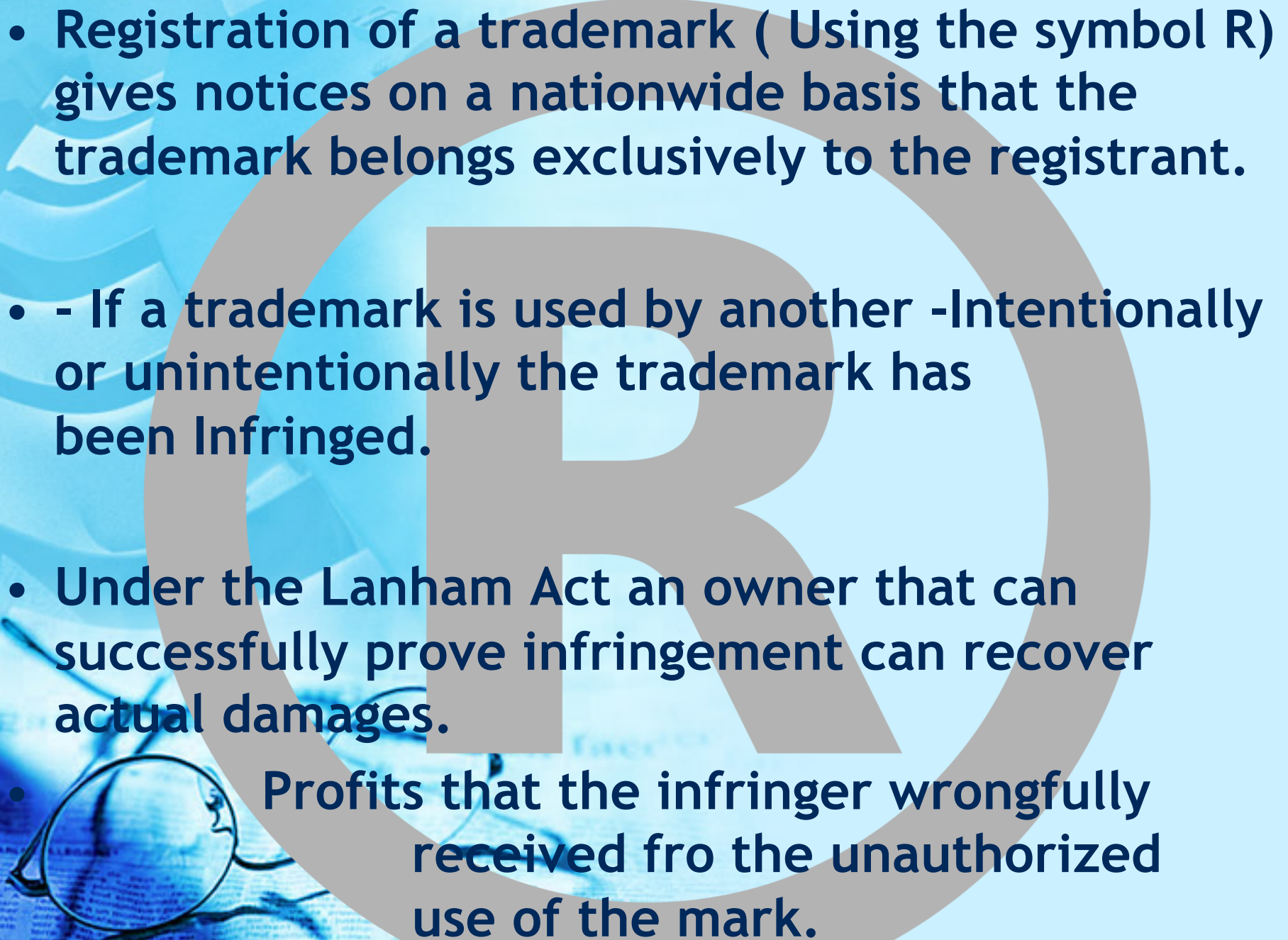


Note the eyes don't line up.



- The Lanham Act was formulated in 1946. Its establishment was to protect manufactures from losing business to rival companies that used confusingly similar *trade marks*.
- A mark can be registered
 - 1) if it is currently in commerce or
 - 2) if the applicant intends to put it into commerce within the six months.

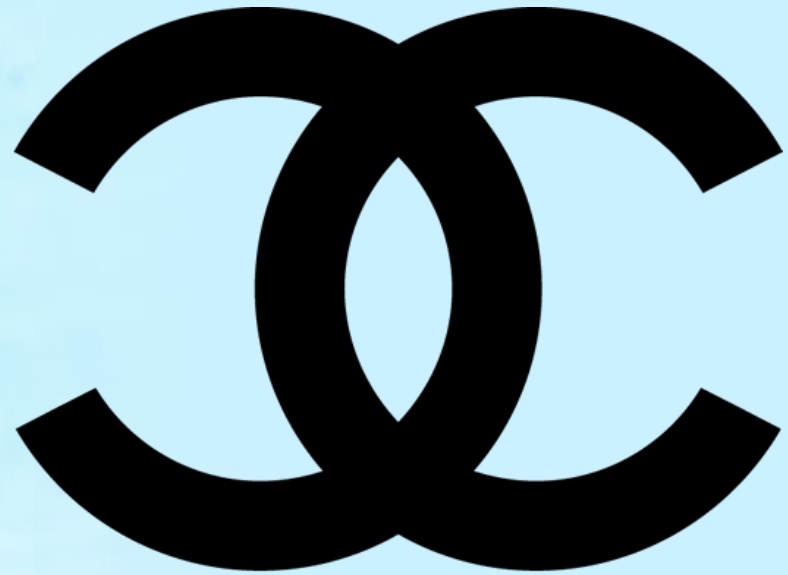


- 
- **Registration of a trademark (Using the symbol R) gives notices on a nationwide basis that the trademark belongs exclusively to the registrant.**
 - **- If a trademark is used by another -Intentionally or unintentionally the trademark has been Infringed.**
 - **Under the Lanham Act an owner that can successfully prove infringement can recover actual damages.**
 - **Profits that the infringer wrongfully received fro the unauthorized use of the mark.**

- -Trade Dress can refer to the layout or the overall appearance of a product
- Trade Dress is subject to the same protection as trademark

The Louis Vuitton logo, consisting of the letters 'LV' in a stylized, bold, black font. The letters are intertwined, with the 'L' and 'V' sharing a common vertical stroke.

LOUIS VUITTON

The Chanel logo, consisting of two interlocking 'C' shapes in a bold, black font. The 'C's are positioned such that they overlap in the center, creating a continuous, circular shape.

CHANEL

A Domain Name (2levels)



- 1. Generic to level domain (TLD)- the part of the name to the right of the period indicates its entity.
Ex: .Com its an abbreviation of commercial
.Edu. - Education
. Gov.- Government
- 2. Second Level of Domain (SLD) - is the name to the left of the period which is registered by an Individual or business. (Disputes arise)
- **Cybersquatting** -when an individual registers a domain name that is either the same or confusingly similar to the trade mark of another; and then offer to sell the domain name to the trade mark owner.
- **Typosquatting** -the registering of a misspelling popular brand; web pages using misspelled names received a lot of traffic which means increase profit from advertisers.
- **Cybersquatting & Typosquatting** are both costly for business due to the attempt to register all variations of a names to protect their domain name rights; some large corporations register thousands of domain names across the globe in order to protect both their brand and trademark.

Patent

The government gives an inventor the right to exclude others from making using, or selling his or her invention.

- Patents for invention are giving for twenty years period.
- In the United State the first Person to invent a product or process gets the patent rights rather than the first person to file for a patent on that product or process.





U.S. Patent
D577,503
Embrarer
Aircraft
Passenger Seat



U.S. Patent
D581,758 Mundial
Scissors



U.S. Patent
D685,163
Alpargatas Shoe

Patents for designs are giving for a period of fourteen years. After the paten period ends, the product or process enters the public domain, and anyone can make, sell, or use the invention without paying the patent holder.



INVENTION PATENABLE IF.....

- ✓NEW (Novel)
- ✓USEFUL
- ✓NOT OBVIOUS
- ✓PERTAINS TO PATENTABLE SUBJECT MATTER

WHAT IS PATENTABLE?

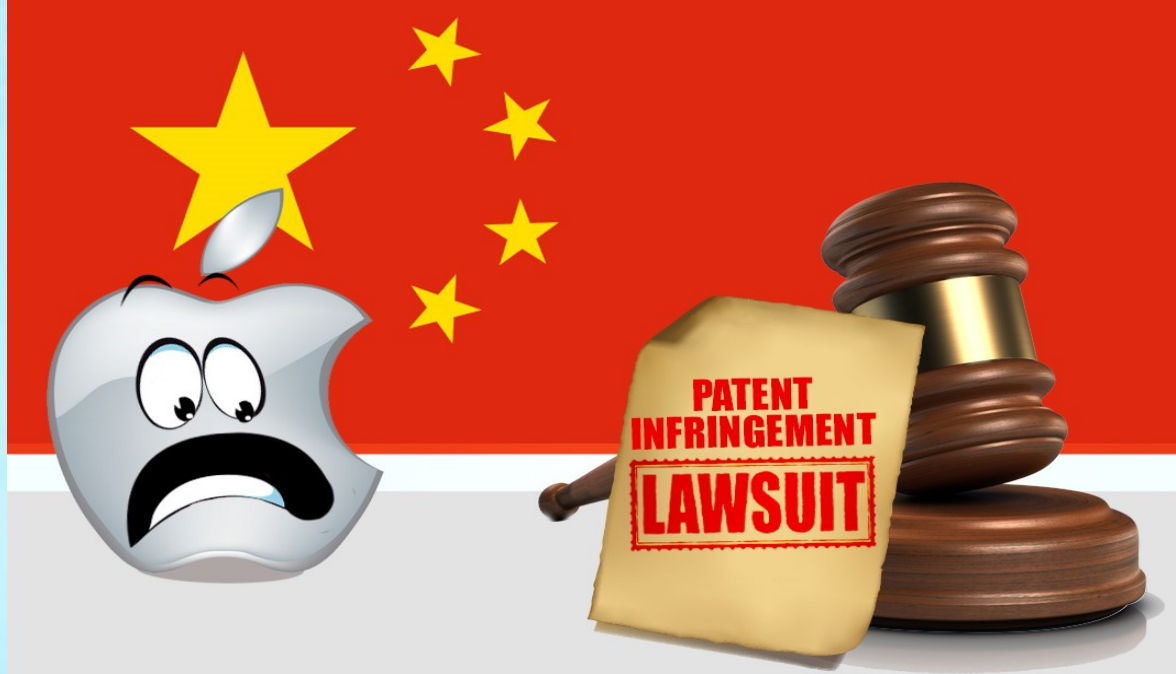
Under federal law, whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter.

May obtain a patent the

is subject to the conditions and requirements of **must be novel and not obvious.**

Patent Infringement

Occurs when a firm makes, uses, or sells another's patented design, product, or process without the patent owner's permission.



Remedies for Patent Infringement

The patent holder can an injunction. In a **patent infringement suit**, an injunction is a court order prohibiting the manufacture, use, or sale of the patented invention. This decision gives courts discretion to decide what is equitable in the circumstances and allows then to consider what is in the public interest rather than just the interest of the parties.



Trade Secrets

This law protects some business processes and information that are not, or cannot be, patented, copyrighted, or trademarked against appropriation by competitors.

Trade Secrets include; customer lists, plans, research and development, pricing information, marketing methods, production techniques and generally anything that makes an individual company unique that would have value to competitor.

INTELLECTUAL PROPERTY

LAW 10

BY

JASON UNTARAN

ELIZABETH VASQUEZ

INGRID RODRIGUEZ

10/26/2016

